

REMARKS

The Office Action of January 17, 2002, has been carefully considered.

It is noted that the drawing are objected to under 37 CFR 1.83(a).

The specification is rejected under 35 USC 101.

Claim 13 is objected to for containing various informalities.

Claims 1 and 2 are rejected under 35 USC 103(a) over the patent to Szwarc.

Claims 3 and 4 are rejected under 35 USC 103(a) over Szwarc in view of the patent to Sams.

Claims 6-7 are rejected under 35 USC 103(a) over Szwarc in view of the patent to Thibault, et al.

Claim 8 is rejected under 35 USC 103(a) over Szwarc in view of Thibault, et al. and further in view of the patent to Kolberg, et al.

Claim 9 is rejected under 35 USC 103(a) over Szwarc in view of the patent to Thijs, et al.

Claims 10-12 are rejected 35 USC 103(a) over Szwarc in view of Kolberg, et al.

Claim 13 is rejected under 35 USC 103(a) over Szwarc in view of the patent to Hecker, et al.

Claims 14 and 15 are rejected under 35 USC 103(a) over Szwarc in view of Thibault, et al.

In connection with the Examiner's objection to the drawings, applicants respectfully submit that the lubricious plastic of the longitudinally displaceable plunger part connected to the plunger rod is shown in Figure 2. Directing the Examiner's attention to Figure 2,

the plunger rod is indicated with the reference numeral 4 and the longitudinally displaceable plunger part is indicated with reference numeral 5. As is readily apparent in the figure the plunger part 5 is connected to the plunger rod 4. Additionally, the plunger part 5 is cross-hatched to represent that it is made of a plastic. Applicants are unaware of any particular cross-hatching which distinguishes a lubricious plastic from any other type of plastic.

In view of these considerations it is respectfully submitted that every feature of the invention specified in the claims is illustrated in the drawings and thus the objection to the drawings under 37 CFR 1.83(a) is overcome and should be withdrawn.

In connection with the Examiner's rejection of the specification, applicants have amended the specification on page 9 to clarify that it is a silicon lubricant layer which is applied to the plunger rod. At various other portions of the specification (for example page 10, line 7, this silicon layer is referred to as silicon oil. This type of silicon lubricant or oil is also conventionally known as silicone.

From the specification it is believed clear that the term silicon is used in connection with lubricants and lubricating properties to facilitate sliding of the plunger rod. Thus, applicants respectfully submit that the invention is not inoperative as suggested by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of the specification under 35 USC 101 is overcome and should be withdrawn.

In view of the Examiner's rejection of the claims applicants have amended claims 1 and 13.

With the amendment to claim 13 it is respectfully submitted that the objection to this claim as containing informalities is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Szwarc, it can be seen that this patent discloses a two-component medication syringe assembly. From the Examiner's discussion of the rejection of claims 1 and 2 it seems apparent that the Examiner misunderstands the applicants' invention. In the presently claimed invention the plunger stopper includes a sealing stopper part positioned rigidly in the elongate hollow body and as a centric through-bore for the passage of the plunger rod. Applicants do not see where the Examiner finds that the plunger stopper 36 of Szwarc has a part with a centric through-bore to which the plunger rod passes, as in the presently claimed invention. In Figures 5 and 21 of Szwarc the stopper 31 does not have a through-bore through which the plunger rod passes. Furthermore, the stopper 36 of Szwarc is not rigidly positioned in the hollow body of the syringe. Still further, Szwarc in no way teaches a plunger part connected to the end of the plunger rod which passes through the through-bore of the sealing stopper part. Thus, in the presently claimed invention the sealing stopper part 3 is rigidly positioned (i.e. fixed) in the elongated hollow body and only the plunger part which is connected to the plunger rod has contact with the contents of the hollow body and is movable for dispensing the contents. In Szwarc the plunger stopper 36 is not fixed or rigidly positioned in the hollow body but instead is movable and is directly in connect with the contents of the hollow body for dispensing the contents. This is a completely different structure than that taught in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1 and 2 under 35 USC 103(a) over the above-discussed reference is overcome and should be withdrawn.

As for the remaining references which were cited against the dependent claims in various combinations with Szwarc, these references have also been considered. Since they do not come close to the currently claimed subject matter than the references discussed above it is believed that any detailed comments thereon at this time would be superfluous. Applicants respectfully submit that nothing in the teachings of any of these references suggest modifying the teaching of Szwarc to arrive at the presently claimed invention.

In view of these considerations it is respectfully submitted that the various rejections of claims 3-15 under 35 USC 103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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In the Specification:

Page 9, starting at line 5:

This plunger part 5 consists of a plastic with a high sliding property (i.e. is lubricious) and a high medicament-compatibility with sealing lips 5b towards the rigid elastomer stopper 3. This plunger part 5 is therefore the movable part of the plunger stopper according to the invention which is in contact with the medicament and on application ensures the transport of the contents of the syringe. At the same time it ensures the necessary mechanical sealing during the application and supports the microbiological sealing during the storage of the syringe, i.e. it ensures the plunger function.

starting at line 11:

On application, as is shown dashed in Fig. 1, only the plunger part 5 is advanced in the direction of the syringe head. So that a fine-touch application is possible, on the circumference of the plunger rod 4 there is deposited a sliding layer, preferably a silicon lubricant layer with usual methods. On account of the effect of the plunger part 5 which in as much is also sealing, this silicon lubricant layer in no phase of the storage or application is in contact with the medicament so that a silicon-free application is given.

In the Claims:

1. (Amended) A metering receptacle, comprising: an elongate hollow body having a first end with a closable exit opening and a second end; a plastic plunger stopper accommodated in the hollow body in a longitudinally displaceable manner so as to close the second end of the hollow body; and a plunger rod attached to the stopper, the plunger stopper including a sealing stopper part of plastic which is [positionable] positioned rigidly in the elongate hollow body and has a centric [bore] through-bore for the passage of the plunger rod, and a longitudinally displaceable plunger part of lubricious plastic connected to the plunger rod so that the displaceable plunger part is movable away from the sealing stopper part when the plunger rod is moved through the through-bore.

13. (Amended) A metering receptacle according to claim 1, wherein the plunger rod has [is] a bleeding channel parallel to a longitudinal axis of the plunger rod.